

FILE: MINUTES

DESCRIPTION:

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MARCH 3, 1981
AT 8:30 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING: The meeting was called to order by Deputy Mayor Mitchell at 8:39 a.m. The meeting was recessed by Deputy Mayor Mitchell at 9:48 a.m. The meeting was reconvened by Deputy Mayor Mitchell at 10:12 a.m. with Mayor Wilson and Councilmember Williams not present. Due to the lack of a quorum the meeting was recessed at 11:21 a.m. The meeting was reconvened by Deputy Mayor Mitchell at 11:25 a.m. with Mayor Wilson and Councilmembers Williams and Murphy not present. The meeting was recessed by Deputy Mayor Mitchell at 12:05 p.m. to reconvene at 2:00.

The meeting was reconvened by Deputy Mayor Mitchell at 2:11 p.m. with Mayor Wilson and Councilmembers Williams and Killea not present. The Council welcomed Steve Maasland, a graduate of Glebe Collegiate in Ottawa, Canada. The meeting was adjourned by Deputy Mayor Mitchell at 2:54 p.m. to meet in Closed Session in the Eleventh Floor Conference Room, on pending litigation.

ATTENDANCE DURING THE MEETING:

(M) Mayor Wilson-excused by R-253859 (official government business).

- (1) Councilmember Mitchell-present.
- (2) Councilmember Cleator-present.
- (3) Councilmember Golding-present.
- (4) Councilmember Williams-excused by R-253709 (conference).
- (5) Councilmember Schnaubelt-present.
- (6) Councilmember Gotch-present.
- (7) Councilmember Murphy-present.
- (8) Councilmember Killea-present.

Clerk-Abdelnour (bb/jb)

Mar-3-1981 ITEM-300:

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DESCRIPTION:

Clerk Mutascio called the roll:

Mayor Wilson-not present.

Councilmember Mitchell-present.

Councilmember Cleator-not present.

Councilmember Golding-present.

Councilmember Williams-not present.

Councilmember Schnaubelt-present.

Councilmember Gotch-present.
Councilmember Murphy-present.
Councilmember Killea-not present.

Mar-3-1981 ITEM-330:

DESCRIPTION:

Proposal to amend Chapter X, Article 1 of the San Diego Municipal Code by AMENDING DIVISION 1, SECTIONS 101.0101.25, 101.0101.35, 101.0101.50.3, 101.0101.50.4 and 101.0101.62; DIVISION 5, SECTION 101.0503; and ADDING DIVISION 12, SECTIONS 101.1201 through 101.1206; and amending Chapter X, Article 3, Division 1 by AMENDING SECTION 103.0101 all relating to SOLAR ENERGY SYSTEMS.

Subitem-A: (R-81-1383)

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION END-80-03-04 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-81-78)

INTRODUCTION of an ORDINANCE amending the Municipal Code.

FILE: (MEET)

COUNCIL ACTION:

(Tape location: A015-026)

Continued to March 17, 1981 after 2:00 p.m.

MOTION BY GOTCH TO CONTINUE TO MARCH 17, 1981 AFTER 2:00 P.M. AT PLANNING

DEPARTMENT'S REQUEST. Second by Murphy. Passed by the following vote:

Mitchell-yea. Cleator-not present. Golding-yea. Williams-not present.

Schnaubelt-yea. Gotch-yea. Murphy-yea. Killea-not present. Mayor

Wilson-not present.

Mar-3-1981 ITEM-331:

DESCRIPTION:

REZONING a portion of LOT 3, SECTION 10, TOWNSHIP 15 SOUTH, RANGE 3 WEST, S.B.B.M. (approximately 15.8 acres), located on the north side of Miramar Road, east of Eastgate Mall, in the University Community Plan area, from ZONE A1-10 (portion Hillside Review) to ZONE M-1B. (Case-5-80-003. DISTRICT-1.)

Subitem-A: (R-81-1473)

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL IMPACT REPORT EIR-80-02-39 has been completed in compliance with

the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (O-81-184)

INTRODUCTION of an ORDINANCE for M-1B Zoning.

Subitem-C: (R-81-)

Adoption of a RESOLUTION containing the findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081

in connection with ENVIRONMENTAL IMPACT REPORT EIR-80-02-39.

FILE: (ZONE 3/3/81)

COUNCIL ACTION:

(Tape location: B205-245)

Subitem-A adopted as Resolution R-253718.

Subitem-B introduced, to be adopted March 17, 1981.

Subitem-C adopted as Resolution R-252719.

MOTION BY KILLEA TO CLOSE HEARING, ADOPT SUBITEMS A AND C AND INTRODUCE

SUBITEM B. Second by Gotch. Passed by the following vote: Mitchell-yea.

Cleator-yea. Golding-yea. Williams-not present. Schnaubelt-yea. Gotch-yea.

Murphy-yea. Killea-yea. Mayor Wilson-not present.

Mar-3-1981 ITEM-332:

DESCRIPTION:

(Continued from the Meeting of November 24, 1980; last continued at Councilman Gotch's request for full Council.) Matter of SCHEDULING a REPORT to the Mayor and Council regarding FUTURE DEVELOPMENT and CAPACITY of INTERSTATE 15 in relation to the planned growth of Rancho del los Penasquitos, Rancho Bernardo and any planned community such as Rancho Carmel and Sabre Springs.

FILE: (MEET)

COUNCIL ACTION:

(Tape location: C100-D175).

Report presented.

MOTION BY MURPHY TO ACCEPT REPORT. Second by Killea. Passed by the following vote: Mitchell-yea. Cleator-not present. Golding-yea. Williams-not

present. Schnaubelt-not present. Gotch-yea. Murphy-yea. Killea-yea. Mayor Wilson-not present.

Mar-3-1981 ITEM-333:

DESCRIPTION:

(Continued from the Meeting of February 2, 1981, at the appellant's request.)

Matter of the CONFIRMATION of WEED ABATEMENT ASSESSMENT for Stuart M. Hurwitz

for Parcel Numbers 356-380-35, 36.

FILE: (MEET)

COUNCIL ACTION:

(Tape location: B245-384 and F091-602).

Motion by Gotch to waive fee with no charge for parcel. Second by Killea.

Motion withdrawn.

Trailed to Tuesday, March 3, 1981 p.m. as unfinished business.

Referred to City Manager.

MOTION BY CLEATOR TO REFER THIS MATTER BACK TO THE CITY MANAGER SO THAT

SOMETHING CAN BE WORKED OUT WITH RICHARD SINGER, ATTORNEY REPRESENTING STUART

HURWITZ (PARCEL NOS. 356-380-35, 36), AND REPORT BACK TO COUNCIL IN TWO WEEKS.

Second by Murphy. Passed by the following vote: Mitchell-yea. Cleator-yea.

Golding-yea. Williams-not present. Schnaubelt-not present. Gotch-yea.

Murphy-yea. Killea-yea. Mayor Wilson-not present.

Mar-3-1981 ITEM-S501:

DESCRIPTION: (R-81-1536) Authorizing the SAN DIEGO HOUSING COMMISSION to ACQUIRE the PROPERTY at 3630 Van Dyke, the property at 4149, 4155-57 Chamoune, the property at 4390 Maple, and the property at 1399 Hollister for the construction of PUBLIC HOUSING for rental to low income families; authorizing the CITY MANAGER to RELEASE \$432,500 from the FIFTH COMMUNITY DEVELOPMENT

BLOCK GRANT ENTITLEMENT YEAR, FUND 18515, DEPT. 5905, ORG. 5908 (Low Income

Housing Site Acquisition Project) for purchasing the following sites: (1) 3630 Van Dyke, \$86,000; (2) 4149, 4155-57 Chamoune, \$150,000; (3) 4390 Maple, \$68,000 and (4) 1399 Hollister, \$128,000.

FILE: (MEET)

COUNCIL ACTION:

(Tape location: B384-C100).

Continued to March 9, 1981, at 3:00 p.m.

MOTION BY MURPHY TO CONTINUE TO MARCH 9, 1981, AT 3:00 P.M. AT HIS REQUEST.

Second by Killea. Passed by the following vote: Mitchell-yea. Cleator-yea.

Golding-yea. Williams-not present. Schnaubelt-yea. Gotch-yea. Murphy-yea.

Killea-yea. Mayor Wilson-not present.

Mar-3-1981 ITEM-S502:

DESCRIPTION: Matter of a report concerning ASSESSMENTS for the 1913 Act Proceedings on CAMINO DEL RIO SOUTH.

FILE: (STRT D-2191)

COUNCIL ACTION:

(Tape location: D175-E147).

Adopted as Resolution R-253720.

MOTION BY GOLDING TO ADOPT AND MAKE ADDITIONAL MODIFICATIONS AND CHANGES IN

THE ASSESSMENT AND MAP. Second by Gotch. Passed by the following vote:

Mitchell-yea. Cleator-yea. Golding-yea. Williams-not present.

Schnaubelt-yea. Gotch-yea. Murphy-ineligible. Killea-yea. Mayor Wilson-not present.

Mar-3-1981 ITEM-S503:

DESCRIPTION:

(Continued from the Meetings of February 3 and 24, 1981; last continued for staff report.) Eight Resolutions relative to the improvement of CAMINO DEL RIO SOUTH, TEXAS STREET TO I-805 ASSESSMENT DISTRICT under the Improvement Act of 1913, Resolution of Intention R-252941. (Mission Valley Community Area. DISTRICT-3.) Today's action is:

Subitem-A: (R-81-1136)

Adoption of a RESOLUTION OVERRULING PROTESTS ON RESOLUTION R-252941 of PRELIMINARY DETERMINATION AND OF INTENTION.

Subitem-B: (R-81-1137)

Adoption of a RESOLUTION FINDING AND DETERMINING that the public convenience and necessity require proposed ACQUISITIONS AND IMPROVEMENTS. (8_votes required.)

Subitem-C: (R-81-1138)

Adoption of a RESOLUTION ORDERING REDUCTION OF ASSESSMENTS.

Subitem-D: (R-81-1139)

Adoption of a RESOLUTION and ORDER adopting ENGINEER'S REPORT, CONFIRMING THE ASSESSMENT and ORDERING THE WORK AND ACQUISITIONS.

Subitem-E: (R-81-1140)

Adoption of a RESOLUTION AWARDING SALE OF BONDS.

Subitem-F: (R-81-1141)

Adoption of a RESOLUTION of AWARD OF CONTRACT.

Subitem-G: (R-81-1142)

Adoption of a RESOLUTION DESIGNATING COLLECTION OFFICER.

Subitem-H: (R-81-1559)

Adoption of a RESOLUTION ORDERING CHANGES in MODIFICATIONS.

FILE: (STRT D-2191)

COUNCIL ACTION:

(Tape location: F012-090).

Continued to March 24, 1981, at 3:00 p.n.

The hearing began 2:11 p.m. and halted at 2:12 p.m.

MOTION BY GOTCH TO CONTINUE TO MARCH 24, 1981, AT 3:00 P.M. AT CITY CLERK'S

REQUEST. Second by Golding. Passed by the following vote: Mitchell-yea.

Cleator-yea. Golding-yea. Williams-not present. Schnaubelt-yea. Gotch-yea.

Murphy-ineligible. Killea-yea. Mayor Wilson-not present.

Mar-3-1981 ITEM-S504:

DESCRIPTION:

(R-81-1143) (Continued from the Meetings of February 3 and 24, 1981; last continued for staff report.) Establishing an UNDERGROUND UTILITY DISTRICT to be known and denominated as the CAMINO DEL RIO SOUTH (Texas Street to I-805) UNDERGROUND UTILITY DISTRICT. (DISTRICT-3.)

FILE: (STRT K-119)

COUNCIL ACTION:

(Tape location: F012-090).

Continued to March 24, 1981 at 3:00 p.m.

The hearing began 2:11 p.m. and halted at 2:12 p.m.

MOTION BY GOTCH TO CONTINUE TO MARCH 24, 1981, AT 3:00 P.M. AT CITY CLERK'S

REQUEST. Second by Golding. Passed by the following vote: Mitchell-yea.

Cleator-yea. Golding-yea. Williams-not present. Schnaubelt-yea. Gotch-yea.

Murphy-ineligible. Killea-yea. Mayor Wilson-not present.

Mar-3-1981 ITEM-CS-1:

DESCRIPTION:

(R-81-1576) A Resolution adopted by the City Council in Closed Session on March 3, 1981:

FILE: (MEET) CITY_

COUNCIL ACTION: Adopted as Resolution R-253721.

Mar-3-1981 ITEM-CS-2:

DESCRIPTION:

(R-81-1586) A Resolution adopted by the City Council in Closed Session on March 3, 1981:

FILE: (MEET) CITY_

COUNCIL ACTION: Adopted as Resolution R-253722.

Mar-3-1981 ITEM-CS-3:

DESCRIPTION:

(R-81-1587). A Resolution adopted by the City Council in Closed Session on March 3, 1981:

FILE: (MEET) CITY_

COUNCIL ACTION: Adopted as Resolution R-253723.

Mar-3-1981 ADJOURNMENT:

FILE: MINUTES

DESCRIPTION:

MOTION BY CLEATOR TO ADJOURN THE MEETING IN HONOR OF THE MEMORY OF JOHN

RADOVICH AND TO ADJOURN INTO CLOSED SESSION IN THE ELEVENTH FLOOR CONFERENCE

ROOM REGARDING PENDING LITIGATION. Second by Killea. Passed by the following vote: Mitchell-yea. Cleator-yea. Golding-yea. Williams-not present. Schnaubelt-not present. Gotch-yea. Murphy-yea. Killea-yea. Mayor Wilson-not present.

DESCRIPTION:

(O-81-192) INTRODUCTION and ADOPTION of an EMERGENCY ORDINANCE PROHIBITING the establishment of ADULT ENTERTAINMENT ACTIVITIES within 1000 feet of a church. (Six votes required.) (See PSS Committee Consultant Analysis PSS-81-7.)

COMMITTEE ACTION:

Initiated by PSS on 2/25/81. Recommendation to INTRODUCE and ADOPT the Emergency Ordinance. Districts 1, 3, 6, 7 and 8 voted yea.

FILE: (MEET)

COUNCIL ACTION: (Tape location: A026-B205).

Introduced and adopted as Ordinance O-15460 (New Series).

MOTION BY GOLDING TO DISPENSE WITH THE READING, INTRODUCE AND ADOPT.

Second by Killea. Passed by the following vote: Mitchell-yea. Cleator-yea. Golding-yea. Williams-not present. Schnaubelt-nay. Gotch-yea. Murphy-yea. Killea-yea. Mayor Wilson-not present.